

## Oklahoma Statutes Citationized

### Title 59. Professions and Occupations

#### Chapter 11 - Medicine

#### Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act

#### Section 509 - Unprofessional Conduct - Definition

Cite as: O.S. §, \_\_\_

The words "unprofessional conduct" as used in Sections 481 through 514 of this title are hereby declared to include, but shall not be limited to, the following:

1. Procuring, aiding or abetting a criminal operation;
2. The obtaining of any fee or offering to accept any fee, present or other form of remuneration whatsoever, on the assurance or promise that a manifestly incurable disease can or will be cured;
3. Willfully betraying a professional secret to the detriment of the patient;
4. Habitual intemperance or the habitual use of habit-forming drugs;
5. Conviction of a felony or of any offense involving moral turpitude;
6. All advertising of medical business in which statements are made which are grossly untrue or improbable and calculated to mislead the public;
7. Conviction or confession of a crime involving violation of:
  - a. the antinarcotic or prohibition laws and regulations of the federal government,
  - b. the laws of this state, or
  - c. **State Board of Health** rules;
8. Dishonorable or immoral conduct which is likely to deceive, defraud, or harm the public;
9. The commission of any act which is a violation of the criminal laws of any state when such act is connected with the physician's practice of medicine. A complaint, indictment or confession of a criminal violation shall not be necessary for the enforcement of this provision. Proof of the commission of the act while in the practice of medicine or under the guise of the practice of medicine shall be unprofessional conduct;
10. Failure to keep complete and accurate records of purchase and disposal of controlled drugs or of narcotic drugs;
11. The writing of false or fictitious prescriptions for any drugs or narcotics declared by the laws of this state to be controlled or narcotic drugs;
12. Prescribing or administering a drug or treatment without sufficient examination and the establishment of a valid physician-patient relationship;
13. The violation, or attempted violation, direct or indirect, of any of the provisions of the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act, either as a principal, accessory or accomplice;
14. Aiding or abetting, directly or indirectly, the practice of medicine by any person not duly authorized under the laws of this state;
15. The inability to practice medicine with reasonable skill and safety to patients by reason of age, illness, drunkenness, excessive use of drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition. In enforcing this subsection the State Board of Medical Licensure and Supervision may, upon probable cause, request a physician to submit to a mental or physical examination by physicians designated by it. If the physician refuses to submit to the examination, the Board shall issue an order requiring the physician to show cause why the physician will not submit to the examination and shall schedule a hearing on the order within thirty (30) days after notice is served on the physician. The physician shall be notified by either personal service or by certified mail with return receipt requested. At the hearing, the physician and the physician's attorney are entitled to present any testimony and other evidence to show why the physician should not be required to submit to the examination. After a complete hearing, the Board shall issue an order either requiring the physician to submit to the examination or withdrawing the request for examination. The medical license of a physician ordered to submit for examination may be suspended until the results of the examination are received and reviewed by the Board;
16. Prescribing, dispensing or administering of controlled substances or narcotic drugs in excess of the amount considered good medical practice, or prescribing, dispensing or administering controlled substances or narcotic drugs without medical need in accordance with published standards;
17. Engaging in physical conduct with a patient which is sexual in nature, or in any verbal behavior which is seductive or sexually demeaning to a patient;
18. Failure to maintain an office record for each patient which accurately reflects the evaluation, treatment, and medical necessity of treatment of the patient;
19. Failure to provide necessary ongoing medical treatment when a doctor-patient relationship has been established, which relationship can be severed by either party providing a reasonable period of time is granted; or
20. Failure to provide a proper and safe medical facility setting and qualified assistive personnel for a recognized medical act, including but not limited to an initial in-person patient examination, office surgery, diagnostic service or any other medical procedure or treatment. Adequate medical records to support diagnosis, procedure, treatment or prescribed medications must be produced and maintained.

#### **Historical Data**

Laws 1923, SB 143, c. 59, p. 110, § 29, emerg. eff. March 31, 1923; Amended by Laws 1925, SB 245, c. 63, § 5, emerg. eff. April 6, 1925; Amended by Laws 1973, HB 1142, c. 99, § 1, emerg. eff. May 2, 1973; Amended by Laws 1980, HB 1906, c. 208, § 1, emerg. eff. May 30, 1980; Amended by Laws 1993, SB 240, c. 338, § 1, eff. September 1, 1993; Amended by Laws 1995, SB 87, c. 211, § 8, eff. November 1, 1995; Amended by Laws 1998, SB 1364, c. 324, § 10, emerg. eff. May 28, 1998 ([superseded document available](#)); Amended by Laws 2004, SB 369, c. 523, § 9, emerg. eff. June 9, 2004 ([superseded document available](#)); Amended by Laws 2009, HB 1897, c. 261, § 7, emerg. eff. July 1, 2009 ([superseded document available](#)).

**Citationizer® Summary of Documents Citing This Document**

Cite Name	Level	
Oklahoma Attorney General's Opinions		
Cite	Name	Level
<a href="#">2008 OK AG 26,</a>	<a href="#">Question Submitted by: The Honorable Mike Shelton, State Representative, District 97, James Gormley, M.D., President, Okla. State Bd. of Medical Licensure and Supervision, Kim Glazier, R.N., M.Ed., Executive Director, Okla. Bd. of Nursing</a>	Discussed
Oklahoma Court of Civil Appeals Cases		
Cite	Name	Level
<a href="#">2004 OK CIV APP 99, 103 P.3d 1111,</a>	<a href="#">STATE ex rel. OKLA. BOARD OF MEDICAL LICENSURE v. LITCHFIELD</a>	Discussed at Length

**Citationizer: Table of Authority**

Cite Name	Level	
Title 59. Professions and Occupations		
Cite	Name	Level
<a href="#">59 O.S. 509,</a>	<a href="#">Unprofessional Conduct - Definition</a>	Cited
<a href="#">59 O.S. 509,</a>	<a href="#">Unprofessional Conduct - Definition</a>	Cited